



SECTION 42A REPORT

Officer's written right of reply 26 November 2025

Hearing 15C – Rezoning Rural

1	Introduction.....	2
2	Purpose of Report.....	2
3	Consideration of evidence recieved	2
3.1	Recommended changes from s42A report	5
3.2	Tubbs Farm	9
3.3	Review of Plan Enabled Capacity (PEC) figures for Ian Diarmid Palmer and Zejia Hu and RHL & LM Ferguson Family Trust	11
3.4	Lucklaw Farm Limited, Trustees of the Taranaki Trust, and Grace Anne Sturgess.....	14
3.5	Additional commentary from verbal right of reply	21
	Appendices	23
	Appendix 1 – Amended rezoning map for 98A-110, and 109-115 State Highway 12, Opononi.....	23
	Appendix 2 – Amended rezoning map for Lot 2, DP 336924, Okaihau	23
	Appendix 3 – Memorandum from WSP on Three Waters Infrastructure – Lucklaw Farm.....	23
	Appendix 4 – Updated Appendix 2 for Hearing 15C – Rural	23



1 Introduction

1. This right of reply addresses the Rural Rezoning topic that was considered in Hearing 15C on the Proposed Far North District Plan (**PDP**) held on 29 September – 2 October 2025. It has been prepared by myself (Melissa Pearson), as the author of the section 42A report for the Rural Rezoning topic.
2. In the interests of succinctness, I do not repeat the information contained in Section 2.1 of the section 42A report and request that the Hearings Panel (**the Panel**) take this as read.

2 Purpose of Report

3. The purpose of this report is primarily to respond to the evidence of submitters that was pre-circulated and presented at Hearing 15C – Rural in relation to rezoning requests in the rural environment and to reply to questions raised by the Panel during the hearing. This report does not respond to evidence presented on the Urban rezoning topic (also heard as part of Hearing 15C) as this will be addressed separately by Ms Sarah Trinder as the section 42A reporting officer for that topic. This report also does not respond to the evidence provided on behalf of Audrey Campbell-Frear as, given that her submission covers matters addressed in Hearings 15C and 15D, I considered it more appropriate to provide a comprehensive response in conjunction with Ms Trinder in the Hearing 15D Right of Reply.

3 Consideration of evidence recieved

4. The following submitters and further submitters provided evidence, hearing statements and/or attended Hearing 15C, requesting rezoning of land in the rural environment where an alternative rural zone is sought. Note that this Right of Reply does not respond to evidence that was pre-circulated in accordance with the Minute 14 process, as I have addressed this in my section 42A report, but it does respond to rebuttal evidence from those 'opt in' submitters where provided.
5. The 'opt in' submitters that provided pre-circulated evidence are as follows – I have indicated where rebuttal evidence has also been provided:
 - a. Douglas Percy and Theodora Symes (S19).
 - b. Gray Gilrairie Holdings Ltd (S295) – including rebuttal evidence.
 - c. Ian Diarmid Palmer and Zejia Hu (S244).
 - d. Ian Ray (Joe) Carr (S397) – including rebuttal evidence.
 - e. Jeff and Robby Kemp (S51) – including rebuttal evidence.
 - f. Kingheim Limited (S461) – including rebuttal evidence.



- g. Lucklaw Farm Limited (S551), Trustees of the Taranaki Trust (S552) and Grace Ann Sturgess (S553) – including rebuttal evidence.
 - h. Meridian Farm Ltd (S403) – including rebuttal evidence.
 - i. Michael John Winch (S67).
 - j. Murray and Sandra Wilson (S406).
 - k. Musson Family Trust (S404) – including rebuttal evidence.
 - l. Neil Construction Limited (S349) – including rebuttal evidence.
 - m. Nigel Ross Surveyor Limited (S367).
 - n. RHL & LM Ferguson Family Trust (S57).
 - o. Robert Sintes (S61) – including rebuttal evidence.
 - p. Roman Catholic Bishop of the Diocese of Auckland (S382).
 - q. Okura Trust (FS343).
6. The following submitters opted into the Minute 14 evidence exchange timetable but did not file any pre-circulated evidence by the 9 June deadline. However, they did file rebuttal evidence and/or appeared at the hearing:
- a. The McCaughan Road landowners – Michael Francis Toft, Robert George Vellenoweth and Colleen Wendy Wardlaw, AJ Maloney Trustee Limited, Donald Frank Orr, Vivien Marie Coad, Deanna Lee MacDonald, Dianne Catherine Hamilton, Robert Hamilton, Timothy George Sopp, Mathew Robert Hill, Barry Charles Young, Joan Catherine Young, Campbell Family Trustee Limited (S266).
 - b. Kapiro Conservation Trust (S448).
7. The following submitters and further submitters did not opt in to the Minute 14 evidence exchange process but appeared at the hearing in response to the section 42A report for Hearing 15C – Rural:
- a. Vision Kerikeri (S526).
 - b. Carbon Neutral Trust (S529).
 - c. Kerikeri Peninsula Conservation Charitable Trust (S180).
 - d. Ernie Cottle (S92).
 - e. Kevin Mahoney (FS337).
 - f. Maree Hart (FS333).



- g. Michael Morse (FS98).
 - h. Ross Morley (FS286).
8. Some submitters support the rezoning recommendations in the section 42A reports for Hearing 15C Rural. Other submitters have provided evidence or hearing statements raising key matters that I have already addressed in the section 42A report. As such, I have only addressed evidence where I consider additional comment is required. Where submitters raised common issues and/or are interested in the same area of land, I have grouped the issues where appropriate. This report is structured under the following headings:
- a. Recommended changes from s42A report
 - b. Tubbs Farm
 - c. Review of Plan Enabled Capacity (PEC) figures for Ian Diarmid Palmer and Zejia Hu and RHL & LM Ferguson Family Trust
 - d. Lucklaw Farm Limited, Trustees of the Taranaki Trust, and Grace Anne Sturgess
9. The various questions raised by the Hearing Panel during the hearing have mostly been responded to in relation to specific submitters discussed below. However, I have also included the written version of the key points that I made in my verbal Right of Reply in Section 3.5 of this report to assist the Panel (where these are not covered by other issues contained in this report).
10. For all other submissions not addressed in this report, I maintain my position as set out in my original section 42A report. For clarity, I do not make any additional comments on evidence/hearing statements presented at Hearing 15C by the following submitters beyond what I have already stated in my section 42A report:
- a. Kingheim Limited
 - b. Meridian Farm Ltd
 - c. Musson Family Trust
 - d. Gray Gilrairie Holdings Ltd
 - e. Okura Trust
 - f. McCaughan Road landowners
 - g. Douglas Percy and Theodora Symes
 - h. Robert Sintes



- i. Jeff and Robby Kemp
- j. Ernie Cottle

3.1 Recommended changes from s42A report

Overview

Relevant Document	Relevant Section
15C Rural Section 42A Report	Section 4.4.7 – Nigel Ross Surveyor Ltd Section 4.4.16 – Ian Ray (Joe) Carr
Evidence and hearing statements provided by submitter(s)	Pre-circulated evidence and hearing statement from Nigel Ross Surveyor Ltd Pre-circulated evidence, rebuttal evidence and hearing statement from Ian Ray (Joe) Carr

Matters raised in evidence and analysis

Nigel Ross

- 11. As discussed in my verbal right of reply, I acknowledge that the property at 115 State Highway 12 in Opononi was missed off the proposed rezoning map in Appendix 6 of my section 42A report. My recommendation was to rezone all parts of 98A-110, and 109-115 State Highway 12, Opononi to Rural Lifestyle zone, so from that perspective my recommendation has not changed, rather the mapping needs updating to match.
- 12. A revised map is included in Appendix 1 of this report.

Ian Ray (Joe) Carr

- 13. The additional information provided by Mr Carr through rebuttal evidence and at the hearing clarified more about his rezoning proposal with respect to meeting the Minute 14 criteria. In Section 4.4.16 of my section 42A report, my key reasons for recommending rejecting Mr Carr's rezoning request related to:
 - a. Whether Mr Carr's land is the most appropriate location for the future expansion of Okaihau;
 - b. The fact that the proposed rezoning would still result in a split zoned site;
 - c. The aspects of the proposal that rely on future subdivision consent applications; and
 - d. Whether there is a need for additional developable land in Okaihau.



14. Mr Carr has provided further clarification on the matters listed above through his rebuttal evidence and information provided at the hearing. In particular, I consider that the following new information assists with resolving the outstanding matters listed above as follows:

Alternative locations for Okaihau growth

15. Mr Carr has provided additional information based on his local knowledge of Okaihau and has commented on the potential for other land closer to the centre of the settlement to be upzoned. He notes that the alternative land I had suggested (accessed from the ends of Michie Street and Tui Street) is south facing and is limited in its ability to be developed due to land steepness. I agree that the rear portion of this land is steep, contains a large amount of existing vegetation and slopes downwards towards the stream. While the land directly at the end of Michie Street is flat (and appears to be developable), I acknowledge that this is a relatively small area with limitations on pedestrian access, compared to the larger, north facing area of land connected by footpaths that is being put forward for rezoning by Mr Carr (as well as there being no scope within submissions to upzone this land).
16. I also acknowledge the connectivity issues that would face rezoning of any land to the north of the State Highway, despite this land being geographically closer to the 'centre' of Okaihau. I also agree with Mr Carr that land accessed from Lake Road is a less suitable alternative as it would intersperse residential activities with existing industrial/commercial activities and continue a pattern of ribbon development in a less connected part of Okaihau compared to Mr Carr's land (noting that Lake Rd was not an alternative location that I recommended in my section 42A report).
17. As such, I am satisfied that upzoning Mr Carr's land is an appropriate location for additional residential development that is at least comparable, or more appropriate than, the alternative locations put forward in my section 42A report and/or considered by Mr Carr in his rebuttal evidence.

Split zoned site and reliance on future subdivision processes

18. To address my concerns about continuing to create a split zoned site, Mr Carr has provided more specific information, including a proposed scheme plan (Figure 1 of the Geologix report included in Mr Carr's rebuttal evidence), to demonstrate how he proposes to remedy the split zone issue, should his rezoning request be accepted. I note that the proposed scheme plan included in the Geologix report does not exactly align with where Mr Carr has shown his 'proposed zone line' (pink) on the site plan that tabled at the hearing, however I am comfortable (based on the discussions held at the hearing, the proposed reduction in rezoning extent and the level of effort to progress a scheme plan) that Mr Carr is committed to following up a change of zone with a subsequent subdivision consent. This subsequent consent process would remedy the split zoning issue (by amalgamating the Rural



Production zoned land with the adjacent property owned by Mr Carr at 178 Settlers Way, as proposed at the hearing) as well as address my concerns relating to bush management and potential reverse sensitivity effects to the north. I consider that the risk of Mr Carr not following through with a subsequent subdivision is low as he will not be able to proceed with any residential development without an associated subdivision consent application.

19. In terms of whether the zone boundary between the Settlement Zone and the Rural Production Zone should be at the top or the bottom of the steep section of land towards the rear of the site, I consider that there are pros and cons of each approach. Locating the zone boundary at the bottom of the ridge would limit the Settlement rezoning to flatter land that is genuinely capable of being developed for residential purposes. It would ensure that all steep land remained as part of the Rural Production Zone in the ownership of a single landowner, which could assist with the land being managed consistently. Conversely, locating the zone boundary at the top of the ridge would require the residential lots to be larger to include the steep land to the rear, which is land that would be unsuitable for wastewater disposal and may make the lots less attractive to purchasers.
20. However, I agree with the comments from Mr Carr and the Hearing Panel that the best use of the steep land would be for it to be planted out with native species to provide an additional buffer against rural production activities to the north and to stabilise the land. Although there are benefits to this area remaining in the ownership of a single landowner from a maintenance perspective, it is less likely to be planted out if it remains part of a larger farm. Conversely, it is more likely to be planted out if it became a condition of a future subdivision consent, which could also include conditions requiring ongoing management of the vegetation. As such, if the Panel are minded to support Mr Carr's rezoning, I recommend that the zone boundary be positioned at the top of the ridgeline, as shown by the 'pink line' on the site plan that tabled at the hearing, noting that the bottom of the slope would also be an appropriate alternative, for the reasons outlined above.

Need for additional developable land in Okaihau

21. I acknowledge, as pointed out by Mr Carr, that the economic memo¹ provided to inform the rural rezoning recommendations is high-level and considered whether there is sufficient residential capacity across the balance of the rural environment (excluding Kerikeri and Waipapa). It did not include any specific capacity analysis for Okaihau. Mr Carr has provided additional context as to why Okaihau is a rural settlement well placed to provide for more growth, including it benefiting from recent FNDC investment in the local town hall, its strategic location on the Twin Coast Cycle Way, its active

¹ Memo from Market Economics, first memo included in Appendix 3 of the Hearing 15C – Rural section 42A report



community and access to services and community infrastructure. I also accept Mr Carr's comments that a small increase to the amount of land zoned Settlement is preferable to demand for sections continuing the pattern of larger lifestyle sections (which will become difficult to achieve under the PDP Rural Production Zone minimum lot sizes as recommended under SUB-S1).

22. The revised 5.3ha area proposed to be rezoned Settlement includes approximately 1ha of bush land, as well as the steep sections of land to the immediate south of the proposed zone boundary. As such, although the controlled activity Plan Enabled Capacity (PEC) is approximately 17.6 lots, I acknowledge that the feasible capacity will be much lower (potentially 8-10 lots² depending on the topographical, geotechnical and servicing constraints outlined in the Geologix report). I consider that this modest number of lots would be an appropriate addition to the Okaihau settlement in light of the more restrictive subdivision provisions in the Rural Production Zone (which surrounds the settlement on all sides) and Okaihau being a vibrant rural settlement that would benefit from additional residential capacity.

Conclusion

23. As such, I now recommend that a portion of Mr Carr's land be rezoned Settlement Zone, as per the attached map in Appendix 2 of this report.

Recommendation

24. I recommend the following changes to the recommendations made in my section 42A report (and as per the maps attached as Appendices 1 and 2):
 - a. Include 115 State Highway 12, Opononi as one of the lots to be fully zoned Rural Lifestyle Zone.
 - b. Rezone 5.3ha of the parcel owned by Mr Carr (Lot 2, DP 336924) from Rural Production Zone to Settlement Zone.

Section 32AA Evaluation

25. The inclusion of 115 State Highway 12, Opononi was the intent of my original recommendation, the error was in the map included in Appendix 6 of the Hearing 15C – Rural section 42A report. As my recommendation is simply to update the map to reflect my written recommendation I do not consider that a section 32AA evaluation is required.
26. With respect to Mr Carr's submission, I consider that releasing an additional 5.3ha of land for inclusion in the settlement of Okaihau is an efficient way to respond to the reduction in rural lifestyle subdivision pathways achievable

² Based on a conservative estimate that assumes 1ha of land will remain in bush and an additional 1.3ha will not be able to be developed to the maximum extent due to site constraints. No specific consideration of future development yield has been provided by Mr Carr in evidence so these numbers are an estimation.



in the surrounding Rural Production Zone. It will provide a small amount of additional residential capacity in a location where there is existing community infrastructure and a thriving rural community that would benefit from additional residents. The land has challenges in terms of being able to be used for productive purposes, particularly the interface with the existing edge of the settlement, and the rezoning will move the zone boundary to a location with stronger buffers with adjacent rural properties (both vegetation and topographical boundaries). Overall I consider the rezoning to be an efficient and effective way to achieve the objectives of both the Settlement and Rural Production zones and therefore appropriate in terms of section 32AA of the RMA.

3.2 Tubbs Farm

Overview

Relevant Document	Relevant Section
15C Rural Section 42A Report	Section 4.4.4 – Neil Construction Limited and Kapiro Conservation Trust
Evidence and hearing statements provided by submitter(s)	Pre-circulated evidence, rebuttal evidence and legal submission from Neil Construction Limited Statements of lay evidence from Kapiro Conservation Trust, Vision Kerikeri and others at the hearing

Matters raised in evidence and analysis

27. I outlined my initial thoughts on the evidence heard at the hearing about the Tubbs Farm land in my verbal right of reply. To summarise, the evidence I heard from Vision Kerikeri and others at the hearing has given me cause to re-evaluate whether my recommendation for Rural Residential zoning is appropriate for the eastern half of the Tubbs Farm development. The discussions I had with Mr Brown through pre-hearing meetings did focus primarily on the later stages of the development to the west of Fernbird Grove where the consented lots are smaller and most closely aligned with the expected outcomes in the Rural Residential Zone. Mr Brown also acknowledged that the information provided to me about consent conditions, landscaping covenants etc apply to Stages 3-6 of the development, as opposed to the earlier Stages 1 and 2 and the separate development of Kingfisher Drive.
28. I acknowledge that there is a difference in site size across the entire Tubbs Farm development, where the sites graduate in size from larger near the coast (e.g. between 1-3ha along Kingfisher Drive and around 1ha along Blue Penguin Drive and Fernbird Grove, being Stages 1 and 2) through to 3,000-6,000m² in the consented (but not fully implemented) Stages 3-6 to the west. I also acknowledged in my section 42A report that the larger sites are the ones most at risk of potential future subdivision if the zoning was changed to Rural Residential.



29. I am mindful of the comments I made in relation to Mr Palmer and Mr Ferguson's land, where I noted that the zoning sets the baseline for how many lots are anticipated by the PDP, and the presence of overlays may reduce the subdivision potential from there. However, unlike Mr Palmer and Mr Ferguson's largely undeveloped land, the presence of existing residential dwellings on the majority of the Stage 1 and 2 sites (plus Kingfisher Drive) immediately reduces the likelihood of these being further subdivided, even if the underlying zone was changed from Rural Lifestyle to Rural Residential. I maintain my position that there is no controlled pathway to subdivision due to the presence of the coastal environment overlay over the largest lots on Kingfisher Drive and that further subdivision would be hard to achieve on any of these lots given the presence of existing dwellings. I agree with the observations made by the Hearing Panel when they went to site that it is hard to see logically how an additional lot would be accommodated on the Stage 1 and 2 properties (plus Kingfisher Drive) without substantial reorganisation of buildings and services on the sites (including potential demolition of recently constructed dwellings and relocation of wastewater disposal fields).
30. I disagree with some of the arguments put forward by Vision Kerikeri and others for the following reasons:
- a. I disagree that the Rural Residential Zone is essentially another urban zone. As I stated in my verbal right of reply at the hearing, I consider the Rural Residential Zone to be one of the suite of rural zones. It is not a reticulated zone, it is not a future urban zone and it has its own function within the rural environment. I elaborate on this further in my response to the Panel in Section 3.5 below.
 - b. I find that the estimated subdivision yield resulting from the upzoning of the Tubbs Farm land (being between 38-50 new lots³) to be unrealistic. Although section 127 is a pathway available to all consent holders to vary the conditions of their consent, physical works are well underway to advance the consented design of Stages 3-6. Given the large investment and lengthy Environment Court process to obtain the current subdivision consent, I consider it unlikely that Neil Construction Limited would apply for a section 127 consent and risk another notified consent process.
 - c. I agree with the point made by the Hearing Panel that there is an inconsistent argument made in the Vision Kerikeri evidence – namely that there is a large surplus of lots less than 1ha around Kerikeri and Waipapa and that the market is declining, but also that there is a large enough demand for the same sized lots to the point that the

³ Page 8, Statement of lay evidence - Tubbs Farm area rezoning from Vision Kerikeri and other submitters



Tubbs Farm land is likely to be further subdivided to meet that demand.

31. Finally, I reiterate the comments that I made in my verbal right of reply regarding the sufficient capacity assessment made by Mr McIlrath that I relied on in my section 42A report. Mr McIlrath's Hearing 15D evidence⁴ addressing capacity around Kerikeri and Waipapa was based on a set of assumptions, which included my Hearing 9 recommendation to amend the minimum lot sizes in the RLZ, as well as the consented density of the Tubbs Farm land. I consider this relevant in the context of evidence presented by Vision Kerikeri and others who asserted that the upzoning of the Tubbs Farm land to RRZ would add in more capacity on top of the capacity calculated by Mr McIlrath. Mr McIlrath's evidence concludes that there is already sufficient residential capacity in Kerikeri and Waipapa and no deficit is expected over the short, medium or long term⁵. However, my understanding (as discussed with Mr McIlrath) is that this conclusion is not aimed at the rezoning of Tubbs Farm as this development is consented, partially developed and already forms part of the baseline capacity.
32. As such, I maintain that my recommendation for Rural Residential zoning is appropriate for all of the Tubbs Farm land.

Recommendation

33. I do not recommend any changes from my section 42A report regarding the Tubbs Farm land.

Section 32AA Evaluation

34. As no changes are recommended, no further analysis under section 32AA of the RMA is required.

3.3 Review of Plan Enabled Capacity (PEC) figures for Ian Diarmid Palmer and Zejia Hu and RHL & LM Ferguson Family Trust

Overview

Relevant Document	Relevant Section
15C Rural Section 42A Report	Section 4.4.6 - Ian Diarmid Palmer and Zejia Hu – S244.001, RHL & LM Ferguson Family Trust – S57.001
Evidence and hearing statements provided by submitter(s)	Pre-circulated evidence and hearing presentation from Ian Diarmid Palmer and Zejia Hu

Matters raised in evidence and analysis

⁴ https://www.fndc.govt.nz/_data/assets/pdf_file/0024/46239/Statement-of-Evidence-of-Lawrence-McIlrath-in-Support-of-Section-42A-report-Economics.pdf

⁵ Refer paragraph 12.5 of Mr McIlrath's evidence above.



35. In my verbal right of reply to the Hearing Panel, I confirmed that I would investigate why the Plan Enabled Capacity (PEC) numbers that I used in my section 42A report differ from those calculated by Mr Palmer. At the close of the hearing I confirmed that I relied on the lot sizes provided to me through Mr Keogh's planning evidence, which Mr Palmer confirmed at the hearing were the correct lot sizes. These figures are included as an insert to the first plan in Attachment 1 of Mr Keogh's evidence (drawing reference RZ18388), and are the same figures as repeated on slide 26 of Mr Palmer's hearing presentation.
36. Paragraphs 238(b) and (c) of my section 42A report addressed the total area of land owned by each landowner and the PEC achievable by each landowner if they reconfigured the lot boundaries of the parcels they owned. Using Mr Keogh's numbers, my section 42A report stated the ownership breakdown across the land subject to rezoning is:
- a. Mr Palmer and Ms Hu: 3 titles, totalling 15.51ha
 - b. The Fergusons: 6 titles, totalling 31.14ha
 - c. Three other titles owned by other parties, being 4.19ha, 16.65ha and 11.50ha respectively
37. After reviewing the numbers I agree with Mr Palmer that I made an error in the calculations and his overall figure of 50.03ha being the subject of the rezoning request is correct, as well as the total figure of his three sites being 17.31ha, not 15.51ha. I also agree with Mr Palmer that the reason for the discrepancy appears to have been misplaced decimal places when reading the figures for some lots.
38. With these amended figures in mind, I estimate that the PEC of the land (taking into account how the ownership of each site is allocated⁶) is as follows:

Table 1: Revised consideration of additional PEC

Owner	PEC as notified (2-4ha range)	PEC based on Hearing 9 recommendation (1-2ha range)
R&R Foote (Site 1)	No additional controlled lots but 1 additional discretionary lot	1 additional controlled lot and 3 additional discretionary lots
Ferguson (Sites 2, 8-12)	2 additional controlled lots and 6 additional discretionary lots from Site 2 The remaining parcels (Sites 8-12) have no additional controlled or discretionary PEC	6 additional controlled lots and 14 additional discretionary lots from Site 2 No additional controlled lots, however, Sites 8-12 could be considered as a whole and subdivided

⁶ Using the parcel identification references from the first plan in Attachment 1 of Mr Keogh's evidence



		as a discretionary activity to result in 4 additional lots
Palmer and Hu (Sites 3-5)	1 additional controlled lot and 5 additional discretionary lots	5 additional controlled lots and 14 additional discretionary lots
R Morris (Site 6)	No additional controlled or discretionary lots	No additional controlled or discretionary lots
N Adcock & P Moran (Site 7)	No additional controlled or discretionary lots	No additional controlled or discretionary lots
TOTAL	3 additional controlled lots 12 additional discretionary lots	12 additional controlled lots 35 additional discretionary lots

39. I note that my section 42A report used the total number of lots that could be achieved as opposed to reflecting the additional lots that could be created beyond those already existing. The table above focuses on additional lots to be as fair to the submitters as possible, which has resulted in more conservative numbers.
40. As stated in my verbal right of reply, I agree with Mr Palmer that PEC is different from feasible capacity and that the likely subdivision yield of land is always influenced by a range of factors that reduces the actual number of lots that can be created. However, despite the identified errors in my initial calculations, I remain of the opinion that the feasible yield from the rezoning would not equate to only one additional lot, being the suggested level of development that Mr Palmer and the Fergusons are seeking from their rezoning request, particularly if my recommendations from Hearing 9 are adopted. I maintain there is a difference between landowner intent for future subdivision and what could be achieved from a subdivision perspective by other (or future) landowners focused on obtaining maximum yield.
41. As such, my overall recommendation contained in Section 4.4.6 of my section 42A report that this land should not be upzoned to Rural Lifestyle Zone remains unchanged. I do not have any additional comments with respect to the hearing presentation prepared by Mr Palmer.

Recommendation

42. I do not recommend any changes from my section 42A report with respect to the submissions of Ian Diarmid Palmer and Zeija Hu or RHL & LM Ferguson Family Trust.

Section 32AA Evaluation



43. As no changes are recommended, no further analysis under section 32AA of the RMA is required.

3.4 Lucklaw Farm Limited, Trustees of the Taranaki Trust, and Grace Anne Sturgess

Overview

Relevant Document	Relevant Section
15C Rural Section 42A Report	Section 4.4.13, Lucklaw Farm Ltd – S551.001, Trustees of the Taranaki Trust – S552.001
Evidence and hearing statements provided by submitter(s)	Pre-circulated evidence, rebuttal evidence, hearing statements and additional materials from Lucklaw Farm Limited, Trustees of the Taranaki Trust, and Grace Anne Sturgess: • Primary evidence from planning, landscape, wastewater, hydrology and ecology • Rebuttal evidence from planning and transport • Hearing statements from planning, landscape, transport and ecology • Additional materials relating to archaeology and previous subdivision consents

Matters raised in evidence and analysis

44. As discussed in my verbal right of reply, my outstanding concerns with Lucklaw rezoning proposal have not been resolved as a result of the information provided by the Lucklaw expert witnesses at the hearing. There are four key areas of concern from my perspective:
- The 'urban' component of the rezoning request
 - Wastewater servicing
 - The lack of meaningful engagement with the community or tangata whenua
 - The Puwheke Development Plan and associated Development Area provisions prepared by Mr Marcus Langman
45. The Hearing Panel have also asked me to respond with information about the relevant activity status for the range of activities proposed under the Puwheke Development Plan should a precinct or development area not be provided in the PDP, which I have also addressed below.

The 'urban' component of the rezoning request

46. As discussed at the hearing, the component of the rezoning request that I have the strongest reservations about is the urban component – namely the



request for General Residential zoning (enabling 120 lots) and 1.4ha of Commercial zoning. The key concern relates to wastewater servicing, which I discuss further below, however I also agree with comments made by the Hearing Panel that no economic analysis has been undertaken to justify why 1.4ha of commercial land is needed in Rangiputa.

47. I accept the transport evidence and subsequent peer review provided by Mr Dean Scanlen and Mr Mat Collins respectively that potential transport issues associated with the urban upzoning can be resolved at the detailed design stage. However, I note that Mr Scanlen's evidence does not address the issue of increased demand for access to the boat ramp and associated pressure for boat trailer parking. Mr Scanlen notes that the relocation of the Rangiputa Road/Motutara intersection can be configured to have minimal impact on the boat-trailer parking area but makes no comment on any additional areas that may be required for boat trailer parking.
48. I am not convinced by the comments from Mr Sturgess at the hearing that the solution is to provide boat parking in the Mixed Use area or a vested reserve and/or use private covenants to require boats with wheels. I agree with Mr Langman who noted that the proposed Development Area provisions for the Mixed Use zone do not provide for boat parking and no land has been set aside as a reserve for that purpose as part of the proposal. In the absence of a clear solution to the issue I tend to agree with the local perspective provided by the further submitters that congestion around the boat ramp, combined with lack of parking facilities and the scale of the urban rezoning (effectively doubling the residential capacity of Rangiputa), is likely to exacerbate existing boat ramp access issues. A less intensive rezoning request may place less pressure on the boat ramp as public infrastructure, whereas the scale of the urban rezoning requested is much more likely, in my view, to intensify this issue.
49. As I noted at the hearing, the feedback received from the Lucklaw experts and Mr Sturgess during the pre-hearing engagement made it clear that the urban component of the rezoning request is crucial to the ability of Mr Sturgess, or any other subsequent developer, to achieve the ecological restoration benefits and water quality improvement benefits associated with the proposal from a financial perspective. As such, my impression is that pivoting the rezoning request to focus on rural lifestyle development, as suggested by the Panel as an alternative at the hearing, was not seen as a viable option by Mr Sturgess. In my view, there may be some merit in additional RLZ land to the north of Rangiputa and some of the community feedback received was also open to this outcome. However, this is not the proposal that myself, or the Hearing Panel, are being asked to consider and I have no information or evidence relating to what an alternative RLZ only proposal would look like.

Wastewater servicing



50. The potential issues with the options for wastewater servicing were discussed extensively at the hearing. Mr Vic Hensley provided commentary about the current state of the existing wastewater treatment plant (WWTP) at Rangiputa, including confirmation that no future maintenance works are planned/funded and there is no appetite from the Council to take on additional wastewater infrastructure in Rangiputa. To provide a more comprehensive response that further supports the position of Mr Hensley and better assists the Panel, a memo was requested from WSP to respond to both the pre-circulated wastewater evidence from June 2025, as well as the revised Development Plan proposal covered in rebuttal evidence from September 2025. This memo is attached as Appendix 3 to this report.
51. While the WSP memo finds that, while there are feasible options for water supply and stormwater management, there are key information gaps relating to the wastewater design, including lack of information on staging of the WWTP to match development, geological and hydrological characteristics at the site, soil conditions, topography and impacts on sensitive areas, such as wetlands or the coastal environment. Given the likely size of any new WWTP (estimated to require a footprint five times larger than the existing WWTP), WSP consider that additional investigation into the impacts on the natural environment is necessary to confirm the viability of a larger WWTP.
52. In terms of a new WWTP being funded and privately owned, the WSP memo highlights the following key risks:
- a. Lack of detail on legal, operational, and maintenance arrangements, particularly if the existing WWTP is to be repurposed as this will involve a transition from Council to private ownership and the management of existing community flows into a private asset.
 - b. The risks associated with all costs for development, operation, and maintenance of the new WWTP potentially falling to the developer and future owners, as well as the potential for Council to be left with unfunded liabilities.
 - c. Issues with privately holding the WWTP, including lack of technical expertise to properly operate and maintain the asset, the ability of the collective landowners to continue to fund increasing operational, maintenance and monitoring costs over time and potential lack of accountability and transparency if servicing standards decline or costs increase unexpectedly.
53. Based on the advice from Mr Hensley, combined with the additional analysis from the WSP memo, I maintain the position in my section 42A report⁷ that additional urban zoning in Rangiputa is not supported from a wastewater perspective.

⁷ Paragraph 285(e)



Engagement with the community/tangata whenua

54. My section 42A report⁸ raised concerns with the level of engagement with the community and interested iwi/hapu groups given the scale of rezoning proposed. The evidence heard on behalf of Lucklaw Farm and from the further submitters has not altered my original position that engagement (both prior to the submission and throughout the hearing process) has not been sufficient to address my concerns.
55. From a tangata whenua perspective, I disagree with Mr Langman that his suggested policy and rule (DEV-PWK-P4 and DEV-PWK-R5 that allow for consideration of mātauranga Māori principles through landuse/subdivision consent processes) address the more fundamental issue of how the rezoning (and associated Puwheke Development Area provisions) have been developed. As raised in evidence by Ms Nina Raharuhi on behalf of the Haititaimarangi Marae Trust (cultural witness called by further submitter Mr Michael Morse), no cultural impact assessment was undertaken to support the rezoning, no assessment of potential adverse effects on cultural values was prepared, which is problematic when there is an assertion from the Marae Trust that the rezoning poses risks to sensitive cultural and ecological areas, sacred sites and traditional landforms. Rather than giving tangata whenua 'a seat at the table' when formulating the rezoning proposal, the Puwheke Development Area provisions relegate their involvement to a consultative role during the consent process, after the critical decisions about location, scale, intensity and character of development have already been made through the PDP process. As such, I maintain that the lack of engagement with tangata whenua to date, combined with a lack of cultural impact assessment, means there is insufficient evidence that the rezoning proposal is appropriate from a cultural perspective.
56. I also do not find the additional archaeological information provided by Lucklaw Farm to be particularly helpful in terms of ascertaining potential impacts on archaeology and/or potential cultural values associated with undiscovered archaeological sites. The reports provided from ASL Archaeology Solutions were targeted to very specific sites where buildings/vegetation clearance were proposed. I do not consider that these archaeological investigations are indicative of the presence/lack of undiscovered archaeological sites that could be impacted by this rezoning request. The DOC map also focuses heavily on the marginal strip (which is outside of the rezoning proposal) and is only reflective of known archaeological sites as opposed to the potential for undiscovered sites.

Puwheke Development Area chapter

57. As I noted at the hearing, given the fundamental unresolved issues outlined above, I do not consider that expert conferencing to further refine the Puwheke Development Area provisions and the associated map would be

⁸ Paragraph 285(c) and (d)



beneficial. However, for completeness I provide some commentary on the some of the issues that I have identified with the drafting of the policy and rule framework.

58. I reiterate that my preference would still be for a precinct as opposed to a development area. My view is that the key difference between the two spatial tools is whether or not the provisions of the associated chapter need to apply for the life of the PDP, or whether they can fall away once the development has been completed and simply rely on the underlying zone provisions. It is my view that Mr Langman has included provisions in the Puwheke Development Area chapter that would need to remain in place to cover ongoing development – there is no clear end point where the development could be said to be 'complete'. In particular, provisions requiring ecological restoration and enhancement, controls on the colour of buildings and structures, and maximum caps on the number of sites in the General Residential zone would need to remain in place for the life of the PDP.
59. More specifically, I have identified issues with the drafting of the following provisions (this is not a complete list, rather a reflect of the range and type of outstanding concerns):

Table 2: Indication of drafting concerns with the Puwheke Development Area chapter

Provision	Comment
Numerous provisions noted as DEC, not DEV	Ongoing drafting issue throughout the chapter
DEV-PWK-P2	The policy uses the phrase " <i>commensurate with the number of sites created by the subdivision</i> ". I am not clear what that means in terms of ecological restoration and enhancement as this concept does not seem to be translated into any implementing rules. It is also unclear how this policy would be achieved for the parts of the proposal zoned RLZ when the Puwheke Development Area Plan does not indicate any areas of ecological restoration or enhancement in the RLZ. All areas of riparian and wetland enhancements are shown in the areas proposed to remain RPROZ.
DEC-PWK-P3	Misaligned with implementing rule DEV-PWK-R1, which applies to buildings and structures, while this policy only applies to buildings, which means structures associated with activities such as the mountain bike park and the zip line would not be covered. Also the direction to 'blend' into the environment in this policy only applies when a resource consent is required, as opposed a direction that should apply to all development the Puwheke Development Area.
DEC-PWK-P5	Policy reads like a rule – should be focused on the outcomes that the rules will implement but shouldn't include the specific numbers
DEC-PWK-P6	No clarity in this policy (or implementing rules) about what outcome is anticipated by the term 'cluster development' and what that looks



	like practically. It is unclear as to whether this policy directs that only a single subdivision application for Area B is able to be made. If this is the intended outcome then it needs to be drafted as a rule, not a policy. The policy seems to indicate that the 2-4ha range of site sizes would be averaged across the entire RLZ area, including common areas (such as the mountain bike park), which implies that the size of the actual lots containing residential development could be a lot smaller than 2-4ha. Have discussed this with Ms Melean Absolum and she has concerns from a landscape perspective about rural lifestyle lots in a cluster being significantly smaller than 2-4ha in size.
Missing policy direction relating to wastewater	No direction in policies relating to wastewater servicing or the joint ownership of assets (if this is required)
Disconnect between DEV-PWK-P1 and DEV-PWK-R2	Inconsistent language between P1 and R2 in terms of 'accordance' vs 'general accordance'.
DEV-PWK-R2	This rule covers all 'development' shown on the Puwheke Development Plan, effectively permitting anything shown on that plan. Although consent may be required by the underlying zone rules, the permitted activity status signals that the appropriateness of these activities in this setting have been considered acceptable through this process. Do not consider that the appropriateness of activities such as mountain bike park, visitor/tourism centre, visitor lodge, glamping etc have been fully considered through this process and there are no associated provisions providing certainty as to their scale or nature in the chapter.
DEV-PWK-R3	This rule should refer to allotments, not sites, to be consistent with subdivision chapter.
DEV-PWK-R4	It is unclear why this rule would be deleted if the 2-4ha subdivision rule for RLZ is retained as notified. It appears to indicate that cluster subdivision is not provided in this scenario and that the standard RLZ minimum lot sizes would apply. There is also no clear indication of yield or the size of cluster subdivision lots in this rule as drafted, which makes it unclear how much subdivision would be possible if the mountain bike park is not developed.
DEV-PWK-S1	Potential confusion between this standard and proposed equivalent standards in overlays such as the Coastal Environment overlay. Would prefer consistency to avoid confusion for applicants as there appears to be no clear rationale for the difference.
DEV-PWK-MC1	This matter of control has the same issue as DEV-PWK-P2 as it uses the term " <i>commensurate with the number of lots</i> ", which is particularly problematic given the number or size of the clustered lots is not specified in any rule. The Puwheke Development Area Plan does not show any areas in RLZ Area B (or A) as being set aside for ecological enhancement.



Withdrawal of Development Plan	The provisions do not contain a clear point at which development plan has been implemented or provide a mechanism for the development plan to be withdrawn.
Additional transport provisions	The transport peer review undertaken by Mr Collins notes the need for additional chapter provisions for the development area to ensure that: • The upgrade of the Rangiputa Road / Motutara Drive intersection occurs if vehicle access is enabled to the site from Motutara Drive; and • Any works necessary occur as part of land use/subdivision to achieve safe sight lines and safe turning movements at the Rangipuna Road/Paper Road intersection, when vehicle access is enabled to the site from the paper road.

Activity status of anticipated activities in the Puwheke Development Area under the RPROZ provisions

60. The Hearing Panel requested that I clarify the activity status of the range of activities proposed to be enabled (or at least signalled as being anticipated) by the Puwheke Development Area Plan. This is to ascertain what consenting pathways are available for the range of proposed activities if a development area/precinct is not included in the PDP and the zoning remains RPROZ. I note that the list below only reflects the likely activity status afforded by the RPROZ zone – it does not take into account the presence of overlays or the potential impact of other district wide rules.

Table 3: RPROZ activity status of activities shown on the Puwheke Development Area Plan

Activity	RPROZ activity status
Management Plan subdivision	Discretionary activity under SUB-R7 (would be the same regardless of whether the underlying zone was RPROZ or RLZ)
Mountain bike complex (including parking, buildings and tracks)	Restricted discretionary activity under RPROZ-R22 (Rural tourism activity)
Zipline	Restricted discretionary activity under RPROZ-R22 (Rural tourism activity)
Education centre	Likely restricted discretionary under RPROZ-R6 (Education facility) as the education centre will not comply with PER-1, being the requirement to be located within a residential unit, accessory building or minor residential unit.
Visitor accommodation (includes lodge and glamping)	Likely discretionary under RPROZ-R4 (Visitor accommodation) as none of the proposed types of visitor accommodation will comply with PER-1, being the requirement to be located within a



	residential unit, accessory building or minor residential unit. Also potential for the scale of the lodge and glamping to exceed 10 guests, which would be another discretionary activity reason for consent for infringing PER-2.
--	--

61. I also note that, should the land shown as mountain bike park and zipline be rezoned RLZ as requested, the activity status for a Rural tourism activity is less permissive than in the RPROZ, being a discretionary activity under RLZ-R16 rather than a restricted discretionary activity.

Recommendation

62. I do not recommend any changes from my section 42A report with respect to the submissions of Lucklaw Farm Limited, Trustees of the Taranaki Trust, and Grace Anne Sturgess.

Section 32AA Evaluation

63. As no changes are recommended, no further analysis under section 32AA of the RMA is required.

3.5 Additional commentary from verbal right of reply

64. All Hearing Panel questions have been addressed in the sections above. However, I provide some additional commentary below to reflect comments made in my verbal right of reply to assist the Panel in their deliberations.

The role of the RRZ and whether it is in 'transition' to urban

65. As stated at the close of the hearing, I consider that the RRZ is a rural zone, not an urban zone. It forms part of the suite of rural zones that work together as a package to ensure there is sufficient opportunity for residential activity to occur in appropriate parts of the rural environment. The RRZ is not reticulated (nor is it planned to be) and it is not a future urban zone. I consider that the mentions in the RRZ chapter of it being a zone in transition to urban should not be viewed as an absolute certain outcome. The relevant wording in the Overview of the RRZ is as follows:

*"**may** also be in a location where an urban area **may** grow and where land **may** be re-zoned for urban development **when demand requires it.**" [my emphasis added]*

66. In my view, multiple factors would have to align before any urban rezoning of RRZ land could occur, such as:
- a. Urban infrastructure would have to be in place (or at least planned for the short term and funded)



- b. Clear evidence of growth demand and an inability of existing urban zoned land to accommodate that growth to justify the upzoning of RRZ land
 - c. The completion of a full Schedule 1 process to change the RRZ zoning.
- 67. The only mention of RRZ land being used for urban development at some point in the future at a policy framework level is in RRZ-O3, which states:

*"The Rural Residential zone **helps meet the demand for growth around urban centres** while ensuring the **ability of the land to be rezoned for urban development in the future is not compromised.**"* [my emphasis added]
- 68. In my view, this objective does not indicate that the RRZ is an urban zone or that land in the RRZ will certainly transition to urban use. Rather, I consider the intent of the objective is to allow for consideration of how developments in the RRZ are designed — such as the placement of house sites, onsite services, and access — to factor in whether the design could support potential urban upzoning in the future. It is, in my view, light touch future proofing that in no way pre-empts any future zoning changes of the land.



Appendices

Appendix 1 – Amended rezoning map for 98A-110, and 109-115 State Highway 12, Opononi

Appendix 2 – Amended rezoning map for Lot 2, DP 336924, Okaihau

Appendix 3 – Memorandum from WSP on Three Waters Infrastructure – Lucklaw Farm

Appendix 4 – Updated Appendix 2 for Hearing 15C – Rural